IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

SUSAN B. LONG,))
and)
DAVID BURNHAM,) Civil Action No. 5:5cv1522 (NAM/DEP)) ECF
Plaintiffs,)
v.)
OFFICE OF PERSONNEL MANAGEMENT,)))
Defendant.)))

NOTICE OF APPEAL

NOTICE is hereby given that defendant, Office of Personnel Management, hereby appeals to the United States Court of Appeals for the Second Circuit from that part of the Court's Order dated February 23, 2010 (document no. 35) requiring defendant to disclose duty station and organizational component code information of employees in "sensitive" occupations.

Dated: April 22, 2010 Respectfully submitted,

TONY WEST Assistant Attorney General

RICHARD S. HARTUNIAN United States Attorney

JOHN R. TYLER Assistant Director Federal Programs Branch

/s/ James J. Schwartz

James J. Schwartz (N.Y. Bar Roll 514612) Peter D. Leary (N.Y. Bar Roll 514742) Trial Attorneys U.S. Department of Justice Civil Division, Federal Programs Branch Mailing Address P.O. Box 883

Washington, D.C. 20044

Delivery Address

20 Massachusetts Ave., N.W., Room 7310

Washington, D.C. 20001 Telephone: (202) 616-8261

Fax: (202) 616-8202

James.Schwartz@usdoj.gov

Attorneys for Defendant